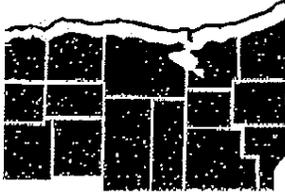


FRPP - IFR - WAYNE - PLANNING

Received 9/20/06

RJS



Wayne County Planning Department

September 18, 2006

Robert Glennon, Farm and Ranch Lands Protection Program Manager
Easement Program Division
USDA Natural Resource Conservation Service (NRCS)
1400 Independence Ave, SW Rm 6819-S
Washington, DC 20250-1400

Dear Mr. Glennon:

I am writing in response to the Interim Final Rule published on July 27, 2006 for the Farm and Ranchland Protection Program (FRPP). FRPP has been an important partner to our local efforts to protect farmland and support our local farmers. Over the last seven years, I have worked closely with over twenty farm families in preparing farmland protection grant proposals. Fortunately thirteen of those farms have been protected – keeping over 3,400 acres of land permanently available for agriculture and helping two young farmers start operations. As you probably know, much of the retirement equity for these families is in their land. Few if any of the families could afford to donate or give away a significant amount of their retirement income. The FRPP was a critical part of these projects along with the New York State Farmland Protection Program funds.

I am very concerned that proposed FRPP policies in the Interim Final Rule create a conflict with the New York State Farmland Protection Program policy. This year, New York State Department of Agriculture and Markets Request for Proposals stated that FRPP funds would not be permitted as a match for state-funded projects – largely due to new FRPP standards. I know of at least six local farmers that did not apply to the state's program because of this. I am fairly confident in saying that if this conflict continues, farmland protection efforts in Wayne County will be drastically curtailed.

Specifically I am concerned about the following issues outlined in the proposed rule:

- I am concerned with NRCS acting as a co-grantee. This new standard is burdensome and adds time and expense to project costs. It seems to me that with reporting criteria for the local easement holder, federal interests would be protected with NRCS retaining the right of third party enforcement.
- I believe the 2% impervious surface restriction is not an appropriate method for protecting topsoil from “non-agricultural use.” A greenhouse or a dairy barn are agricultural uses. A well-managed agricultural business will adopt management techniques that preserve topsoil. I support the use of conservation plans and management practices to save topsoil for future farm operations, not impervious surface restrictions.
- I believe the proposed indemnification language is not appropriate for NRCS as a co-grantee or contingent right holder especially given the NRCS minority share of the project cost. For

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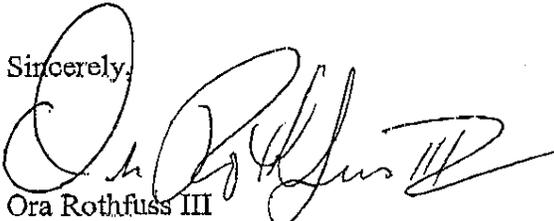
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example, farmers shouldn't be required to defend the federal government against a lawsuit over management practices when the easement only authorizes NRCS to limit non-agricultural use or development.

- I believe the "Yellow book" Appraisal standards and title review on each project are unnecessary, expensive and burdensome. Many of the people with whom I work, have a hard time understanding why these projects take three years to complete from the time of first application. I try to explain the double grant and award proposal process, along with multi-agency review of closing documents. We do not need to create an even more cumbersome process.
- Three of the four concerns noted above could be alleviated by changing the program from an easement procurement program to a "block grant-type" program. I have worked with a Governor's Office for Small Cities (U.S. Housing and Urban Development) "community development block grant" program that provides funding for real estate transactions. A competitive block-grant program will enable states and local municipalities to indicate how their project will accomplish the program goals. Federal compliance is assured through various reporting and audit procedures. I believe changing the FRPP to a block grant-type program is the right way to go. I understand this may not occur until the next Farm Bill, but never the less feel it is important to get this on the table.
- I also firmly believe that farm viability is critical to a successful farmland protection program. Many of the other programs with which I work provide other forms of economic development-type support to farmers. It is not worthwhile to have prime soils on vacant lots because within ten years the parcels become unusable scrub and woods.

The FRPP has been an important component of our local efforts to support a future for our agricultural industry. I hope you will consider these concerns and make appropriate changes to ensure that the program can continue to be an effective partner in the future.

Sincerely,

Ora Rothfuss III
Ag Development Specialist

CC: U.S. Senator Hillary Clinton
U.S. Senator Charles Schumer
U.S. Congressman James Walsh
Ron Alvarado, NRCS-NY State Conservationist
Marilyn Stephenson, NRCS-NY FRPP Program Manager
Patrick Brennau, Commissioner NYSDAM
David Haight, American Farmland Trust